

### REMARKS

The Office Action of December 29, 2005 has been reviewed and the Examiner's comments carefully considered. The present Amendment amends claims 1, 8, 25 and 26 in accordance with the originally-filed specification. No new matter has been added. Therefore, claims 1-26 and 30-35 remain in this application, and claims 1, 25 and 26 are in independent form.

In the present Office Action, claims 1-23, 25, 26 and 30-35 stand rejected under 35 U.S.C. § 103(a) as being obvious over the previously-cited Burger patent in view of U.S. Patent No. 6,971,031 to Haala. In addition, claim 24 stands rejected under 35 U.S.C. § 103(a) as being obvious over the Burger patent and the Haala patent, in view of the previously-cited Lane patent. In view of the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of these rejections.

#### Summary of the Invention

Independent claim 1 of the present application, as amended, is directed to a system for uniquely identifying an entity. The system includes one or more portable wireless identification devices, each having a controller mechanism for wireless communication and configured to acquire, process and/or transmit data signals. The system includes a reader device having a controller mechanism for acquiring, processing and/or transmitting data signals, and a sensing mechanism in communication with the reader device controller mechanism for acquiring, processing and/or transmitting data transmitted from the wireless identification device controller mechanism. A portable wireless control device, including a controller mechanism, is used for wireless communication with the reader device controller mechanism and also acquires, processes and/or transmits data signals. Still further, *the wireless control device controller mechanism can communicate with and configure the reader device controller mechanism,*

*communicate with and configure the wireless identification device controller mechanism via the reader device controller mechanism and/or communicate with and configure a subsequent wireless identification device controller mechanism via the reader device controller mechanism.*

As set forth in independent claim 25, the system of the present invention includes one or more portable wireless identification devices having controller mechanisms for wireless communication and data signal manipulation. A reader device is included, and has a controller mechanism for data manipulation, as well as a sensing mechanism for acquiring, processing and/or transmitting data transmitted from the wireless identification device controller mechanism. At least one portable wireless control device, including a controller mechanism, is in wireless communication with the reader device controller mechanism for data manipulation. Further, *the wireless control device controller mechanism communicates with and configures the reader device controller mechanism, communicates with and configures the wireless identification device controller mechanism via the reader device controller mechanism and/or communicates with and configures a subsequent wireless identification device controller mechanism via the reader device controller mechanism.* In this embodiment, the system includes a scanner device in communication with the reader device controller mechanism for data manipulation, and in particular for acquiring, processing and transmitting the data signals representative of at least one unique characteristic of the entity (such as a biometric property). The data signals include control signals and an action sequence includes communicating with and configuring the reader device controller mechanism and/or the wireless identification device controller mechanism. Further, configuration of the wireless identification device controller mechanism includes storing the data representative of the unique characteristic of the entity on the wireless identification device controller mechanism and/or the reader device controller mechanism and/or erasing at least a portion of the data representative of the unique characteristic

of the entity on the wireless identification device controller mechanism and/or the reader device controller mechanism.

In a further embodiment, and as set forth in independent claim 26, the present invention is directed to a method of uniquely identifying an entity. This method includes the steps of: (a) providing at least one portable wireless identification device; (b) providing a reader device; (c) providing at least one portable wireless control device; (d) providing a scanner device; (e) acquiring data signals representative of at least one unique characteristic of the entity by the scanning device; (f) communicating the data to the reader device; (g) controlling, by the wireless control device, the storage of the data representative of the unique characteristic of the entity on the wireless identification device, via the reader device, and the erasure of the data representative of the unique characteristic of the entity from the reader device and/or the wireless control device; and (h) *configuring the reader device by the wireless control device, configuring the wireless identification device by the wireless control device via the reader device and/or configuring a subsequent wireless identification device by the wireless control device via the reader device.*

A key aspect of the present invention is the unique communication and control features of the wireless control device 22. In particular, the wireless control device 22 includes a controller mechanism 24 for wireless communication with the reader device controller mechanism 18. The wireless control device 22 is used for acquiring, processing, storing and/or transmitting data signals between the various components and sub-components of the system 10. As with the identification device 12, the wireless control device 22 is in the form of a portable medium, such as a card, a keyring device, radio frequency identification mechanism, etc. Importantly, this portable wireless control device 22, and, in particular, the wireless control device controller mechanism 24, is capable of *communicating with and configuring the reader device controller mechanism 18, communicating with and configuring the wireless identification*

*device controller mechanism 14 via the reader device controller mechanism 18 and/or communicating with and configuring a subsequent wireless identification device controller mechanism 14 (when multiple identification devices 12 are used in the system 10) via the reader device controller mechanism 18.*

Accordingly, the use of this portable and wireless control device 22 represents an innovation in the art, where typical prior art devices and systems may rely upon some offsite or manufacturer's computer or system to provide such control, configuration and programming capabilities. For example, typical reader devices according to the prior art include a card or printed circuit board therein, which must be pre-programmed at the manufacturer's facility prior to use. In addition, each individual identification card (wireless identification device) must be pre-programmed or pre-configured off-site or at some central processing facility. However, the use of the small, portable control device 22 of the present invention (which may be in the form of a Smart Card, simple keyring device, small radio frequency identification device or transponder, etc.) provides unique configuration and control options, without requiring the manipulation, transfer, storage and carrying of a computer.

In addition, the reader device controller mechanism 18, the wireless control device controller mechanism 14 and/or the wireless identification device controller mechanism 18 may all be reconfigured on site (e.g., at any existing reader device location) using this wireless control device 22. Therefore, the present invention provides a truly dynamic identification and control system, whereby the administrator or use of the wireless control device 22 is capable of full access and has true control of all of the components and sub-components of the system. In addition, such a wireless control device 22 is relatively inexpensive to the manufacture, program and use, and does not require the administrator to have all of the readers or identification cards to be programmed offsite, or to carry (or wheel) around a complex computer programming system and station from reader device to reader device, or to each wireless identification device 12, to

configure and control it. Therefore, the structure, operation and communication/control functions of the wireless control device 22 illustrate the unique and novel advantages of a wireless and portable control mechanism.

#### The Cited Prior Art

The Burger patent is directed to a biometric authentication system. As best seen in Fig. 1 of the Burger patent, a reader 12 and a smart card 14 are used in the biometric authentication system, which is illustrated in Fig. 2. The smart card 14 includes a chip 20, which may include chip memory 22 with portions used for system operation 24, user information 26, etc. and the user information 26 may include fingerprint memory 28 and identification data 30. Therefore, as seen in Fig. 1, fingerprint data (biometric data) may be stored on the smart card or identification device in the chip memory, such as at memory location 28. Data from the reader 12 is transmitted to the gateway 46 and forwarded to a computer, such as a personal computer 48 operating within the system 40. Once data is received at the PC 48, system rules are checked, evaluated and an action is undertaken. However, there is no communication between the central processing unit (CPU) or any other authentication device in the system of the Burger patent, which prevents hacking or sniffing of the information being prepared.

The Haala patent is directed to a national identification card system and biometric identity verification method for negotiating transactions. It appears that the Examiner is using the Haala patent for its teachings regarding a method and system that includes a remote computer 14, which is connected with a card reader 12 via a communication link, which may be wireless. The Examiner notes that such computers may include a variety of shapes and sizes, such as servers, desktops, notebooks, handheld computers, palm-held computers, etc. On this basis, it appears that the Examiner believes that the personal computer 48 of the system of the Burger patent may be replaced with a remote computer 14 of the system of the Haala patent.

The Lane patent is directed to a self-authenticating identification card with fingerprint identification. It appears that the Examiner is using the Lane patent (specifically in connection with claim 24 of the present application), for the notion that the wireless identification device and the wireless control device, as well as their respective controller mechanisms, are integrated in a single portable medium.

None of the Cited Prior Art Teaches or Suggests a Portable  
Wireless Control Device with the Claimed Control Features

As discussed in detail above, the present invention is directed to a novel system and method for uniquely identifying an entity, such as a person or the like. In particular, the system 10 includes one or more wireless control devices 22, which include a controller mechanism 24. The wireless control devices 22 are in wireless communication with the reader device controller mechanism 18, and are used for acquiring, processing, storing and/or transmitting data signals between the various components and sub-components of the system 10. Further, as discussed above, the wireless control device 22 is in the form of a portable medium, such as a smart card, keyring device, RFID transponder device or other similar portable structure. Importantly, the wireless control device 22 is capable of communicating with and configuring the reader device controller mechanism 18, the wireless identification device controller mechanism 14 (via the reader device controller mechanism 18) and/or a subsequent wireless identification device controller mechanism 14 (again, via the reader device controller mechanism 18). Accordingly, the control device 22 is capable of configuring, manipulating or otherwise effecting the operation of not only the reader device 16, but also the identification devices 12 and even other control devices 22 (if desired).

*The PC 48 of the System of the Burger Patent does not Include these Control Features*

In the present Office Action, the Examiner has rejected independent claims 1, 25 and 26, asserting that the Burger patent discloses at least one wireless control device having a controller mechanism (CPU) for wireless communication and control of the various components and sub-components of the system. Specifically, the Examiner refers to the personal computer 48 of the Burger patent as equivalent to the control device 22 of the system of the present invention. However, Applicant submits that this *personal computer 48 is not a device capable of configuring the reader device or the wireless identification devices (identification cards), as specifically recited in each of the independent claims of the present application.* Instead, and as discussed in the previous Amendment, the personal computer 48 of the Burger patent is used to determine only if the user is permitted to enter through the access door and gain entry to a restricted area.

Further, the system of the Burger patent specifically engages in all authentications at the reader 12, not at the gateway 46 or the personal computer 48. This means that the personal computer 48 simply acts as a central database, and does not engage in any control of other devices. Therefore, as previously submitted, the personal computer 48 is much more similar to the structured integrated controller mechanism 32 in the system of the present application. According to the present invention, the controller mechanism 32 is in communication with a lock mechanism 34, and the lock mechanism 34 is in communication with an access point 30, which is typically a door or other restricted access point.

On this basis, Applicant again submits that the system of the Burger patent uses the personal computer 48 and a gateway 46 to communicate with doors in the building connected to the system 40, and the gateway 46 is used to monitor the connections and pass the data through the personal computer 48 once data is received from the doors. Next, the gateway 46 automatically transmits the door 44/reader 12 request through the correct port and transmission

line 60. This data is used to grant or deny the user access to the door 44. The system 40 of the Burger patent does not serve to control or configure the reader device, or the identification devices, as specifically set forth in each independent claim 1, 25 and 26 of the present application.

*The Computer 14 of the System of the Haala Patent does not Include these Control Features*

With respect to the Haala patent, the Examiner refers to the remote computer 14 as a “portable” device, which will be discussed in more detail hereinafter. However, with respect to the “control” features of the remote computer 14 of the Haala patent, Applicant also notes that *this computer 14 does not include the control features and functionality set forth in the independent claims of the present application.* Of course, while the remote computer 14 of the Haala patent is indeed in communication with processor 44, it does not configure and control the card reader 12 and/or the security card 10 as taught by the present invention, and as specifically set forth in independent claims 1, 25 and 26. Instead, and similar to the personal computer 48 of the Burger patent, the remote computer 14 includes pre-stored biometric and profile information of the persons in a selected section of a population. Therefore, the personal computer 14 is simply used as a data repository and not used to configure and control the components and sub-components of the remaining portions of the system of the Haala patent. Therefore, the Haala patent does not teach or suggest the configuration and control and configuration features that are set forth in independent claims 1, 25 and 26 of the present application.

*The Card 100 of the Lane Patent does not Include these Control Features*

While it is understood that the Examiner is using the teachings of the Lane patent for a fingerprint sensor device for authenticating the identification of a user, Applicant further submits that the identification card 100 of the system of the Lane patent also fails to teach or



suggest the portable wireless control device 22 (having the above-discussed control functions) of the present invention. Instead, the identification card 100 of the system of the Lane patent includes a card body or substrate 101, a fingerprint sensor 102 and a memory 103 for storing information related to the fingerprint of the user. Nowhere in this document is a card or device disclosed which is capable of communicating with and controlling or configuring the reader device or other identification cards. Therefore, the Lane patent does not teach or suggest the configuration and control features that are set forth in independent claims 1, 25 and 26 of the present application.

None of the Cited Prior Art Teaches or Suggests a Portable Wireless Control Device

As discussed above, none of the systems and arrangements of the Burger, Haala and Lane patents include the claimed control features. Applicant further notes that the provision of the control device is a truly portable form, as claimed, leads to additional benefits and considerations. It is appreciated that the Examiner indicates that the remote computer 14 of the Haala patent is “portable, and may be in the form of “a large size server to a desktop, notebook, handheld, or palm-held size”. However, Applicant submits that neither the personal computer 48 of the Burger patent, nor the remote computer 14 of the Haala patent, is in the “portable” forms as shown, described and claimed in connection with the wireless control device 22 of the present invention.

Specifically, the term “portable”, as used in the present application, is clearly directed to a device in the form of a card, identification card, SmartCard, keyring device, RFID transponder or other similar structure, which is easily portable, transportable, stored and otherwise carried with the user. This is why the term “portable” is used in connection with both the wireless identification device 12, as well as the wireless control device 22, which are similar in structure and portability. Clearly, this “portable” structure is not described or intended with

respect to the personal computer 48 of the Burger patent and the remote computer 14 of the Haala patent, especially since such a “portable” structure would not be required for these computers 48, 14 when operating in the described systems. Instead, the wireless control device 22 of the present invention would be much more likened to the “smart card” 14 of the Burger patent, the *portable* data card of the Haala patent and the identification card 100 of the Lane patent. In fact, if the Haala had intended to use the term and function of a truly “portable” structure and function with respect to the remote computer 14 of his system, he would have expressly done so, considering his express use of the term “portable” with respect to the data card 10. Since neither the personal computer 48 of the Burger patent nor the remote computer 14 of the Haala patent are used to actually control and configure the components and sub-components of the respective systems, there is absolutely no teaching or suggestion in these references of a “portable” wireless control device, as specifically set forth and claimed in independent claims 1, 25 and 26.

#### Summary

For the foregoing reasons, independent claims 1, 25 and 26 are not anticipated by or rendered obvious over the Burger patent, the Haala patent, the Lane patent or any of the prior art of record, whether used alone or in combination. There is no hint or suggestion in any of the references cited by the Examiner to combine these references in a manner that would render the invention, as claimed, obvious. Reconsideration of the rejection of independent claims 1, 25 and 26 is respectfully requested.

Claims 2-24 depend either directly or indirectly from and add further limitations to independent claim 1 and are believed to be allowable for the reasons discussed hereinabove in connection with independent claim 1. Further, claims 30-35 depend either directly or indirectly from and add further limitations to independent claim 26 and are believed to be allowable for the

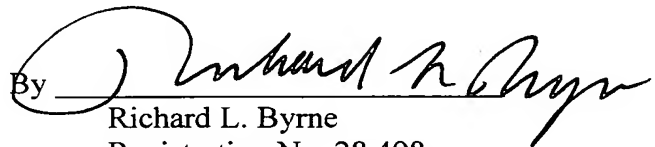
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reasons discussed hereinabove in connection with independent claim 26. Therefore, for all the above reasons, reconsideration of the rejection of claims 2-24 and 30-35 is respectfully requested.

For all the foregoing reasons, Applicant believes that claims 1-26 and 30-35, as amended, are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of all pending claims 1-26 and 30-35 are respectfully requested.

Respectfully submitted,

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